IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1832 OF 2006

Manoj Kumar Poddar. ...Petitioner.
Vs.
Association of Engineering Workers & Ors. ...Respondents.
....
Mr. Kezer Kharawala i/b. R.K. Associates for the Petitioner.
Mr. N. M. Ganguli for Respondent No.1.
Mr. P.M. Palshikar for Respondent No.3.
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CORAM : DR.D.Y.CHANDRACHUD, J.

July 24, 2006.

P.C.

The impugned order of the Industrial Court dated 28th March 2006 has been passed on an application moved by the Petitioner to delete him from the array of parties to the Complaint (Complaint (ULP) 408 of 2003) instituted by the First Respondent. The case of the Petitioner in support of the application for deletion that he has resigned from the Second Respondent on 18th August 1997. The application for the deletion of the name of the Petitioner was signed by one Shriram A. Patil before the Industrial Court as the annexure at Exh.C to the petition would reveal. Counsel appearing on behalf of the First Respondent has raised a

preliminary objection of the maintainability of these proceedings on the ground that the petition has been signed and verified by one Madan Mohan Mittal purported to be a Constituted Attorney of the Petitioner. Now, a perusal of the Power of Attorney which is annexed to the Petition would show that Madan Mohan Mittal has been constituted to act as an attorney for the Petitioner to pursue proceedings before the Debts Recovery Appellate Tribunal. The Power of Attorney does not empower the person who has signed and verified the petition to institute or pursue these proceedings. In view of this objection which to my mind is clearly sustainable having regard to the Power of Attorney annexed to the petition, Counsel appearing on behalf of the Petitioner craves leave to withdraw these proceedings with liberty to take appropriate steps. The petition is accordingly dismissed as withdrawn with liberty as prayed.

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